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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,235	01/26/2004	Jurgen Henkel	10537/94A	1756

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EXAMINER

BINDA, GREGORY JOHN

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/765,235

Applicant(s)

HENKEL ET AL.

Examiner

Greg Binda

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-27 is/are pending in the application.
- 4a) Of the above claim(s) 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23 and 25-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/26/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/824,983.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/26/04, 6/11/04</u> | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Applicant's election without traverse of Species XII shown in Fig. 11 in the reply filed on May 9, 2005 is acknowledged.

2. Claim 24 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on May 9, 2005.

Claim 24 is withdrawn because the recess 58 in the elected species lacks a "cutout from a hemisphere". This claim reads only on an unelected species.

Information Disclosure Statement

3. The information disclosure statement filed Jan 26, 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. No copies of the first seven and ninth foreign references listed on the statement have been received in this or the parent application.

Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Specification

4. The disclosure is objected to because the cross notes at the first sentence of the specification fails to include the current status of all nonprovisional parent applications referenced.
5. The specification is objected to because the detailed description fails to provide proper antecedent basis for the following claimed subject matter:
 - a. Claims 23 & 27, lines 1 & 2: all terminology therein
 - b. Claims 23 & 27, lines 4 & 5: "a tripod star"
 - c. Claims 23 & 27, line 5: "ball bodies with pins"
 - d. Claim 23, line 6: "a pressure body"
 - e. Claim 26: all limitations therein

Claim Objections

6. Claim 27 is objected to because in line 6 the word "cylindrical" is misspelled

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 23 & 25-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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- a. Claim 23, line 9 recites the limitation, "a cylindrical subregion". It is not clear if this cylindrical subregion is the same as, or different from the previously recited cylindrical subregion.
- b. Claims 23 & 27, lines 9 recites the limitation, "a ball body". It is not clear if this ball body is included with, or exclusive of, the previously recited ball bodies.
- c. Claim 26 recites the limitation "the guide rings". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 23, 25 & 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Margerie, WO 99/45287. Figs. 1 & 2 show a tripod joint comprising: a joint inner part 1; and a joint outer part 6 holding the joint inner part, the joint inner part having a tripod star 1 including ball bodies 3 with pins 28, the ball bodies in each case mounted in a recess 27 in a pressure body 9 pivotable with respect to the pressure body, the pressure body and a rolling body 11 configured to transmit driving torque to the outer joint part, the recess in the pressure body including a cylindrical subregion 27, two space apart guide rings 26 inserted in the cylindrical subregion, the ball body supported with respect to the pressure body via the guide rings.

11. Claims 23 & 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Busch, DE 42 40 144. Figs. 1-4 show a tripod joint comprising: a joint inner part; and a joint outer part 1 holding the joint inner part, the joint inner part having a tripod star including ball bodies 2 with pins 4, the ball bodies in each case mounted in a recess in a pressure body 3 pivotable with respect to the pressure body, the pressure body and a rolling body 6 configured to transmit driving torque to the outer joint part, the recess in the pressure body including a cylindrical subregion, at least one guide ring 9 (see Fig. 4) inserted in the cylindrical subregion, the ball body supported with respect to the pressure body via the guide rings.

12. Claims 23 & 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Ricks et al, US 5,658,199. Figs. 1B & 2 show a tripod joint comprising: a joint inner part 2; and a joint outer part 1 holding the joint inner part, the joint inner part having a tripod star 2 including ball bodies 3 with pins 9, the ball bodies in each case mounted in a recess 11 in a pressure body 5 pivotable with respect to the pressure body, the pressure body and a rolling body 4 configured to transmit driving torque to the outer joint part, the recess in the pressure body including a cylindrical subregion (indicated by numeral 11 in Fig. 2), two spaced apart guide rings 8, 18 inserted in grooves 15, 25 in the cylindrical subregion, the ball body supported with respect to the pressure body via the guide rings and the rolling body.

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Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. JP 2002-286046 shows a tripod joint.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Binda
Primary Examiner
Art Unit 3679